

UNITED STATES DISTRICT COURT

NORTHERN

District of

OKLAHOMA

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

V.

Sinclair Tulsa Refining Company

Case Number: 06-CR-214-CVE

USM Number: N/A

Mary C. Spearing and Mark Farley

Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) One and Two of the Information☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
33 USC 1319(c)(2)(A) and 18 USC 2	Clean Water Act	12/29/03	1
33 USC 1319(c)(2)(A) and 18 USC 2	Clean Water Act	12/29/03	2

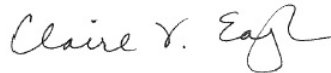
The defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) _____☐ Count(s) _____ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the Court and United States Attorney of material changes in economic circumstances.

April 4, 2007

Date of Imposition of Judgment



Signature of Judge

The Honorable Claire V. Eagan, Chief Judge U.S. District Court

Name and Title of Judge

April 17, 2007

Date

DEFENDANT: Sinclair Tulsa Refining Company
CASE NUMBER: 06-CR-214-CVE

PROBATION

The defendant corporation is hereby sentenced to probation for a term of : Two years.

SPECIAL CONDITIONS OF PROBATION

1. Within 90 days of sentence, Sinclair Tulsa Refining Company shall demonstrate that it has instituted a satisfactory corporate compliance plan to prevent future violations of any local, Federal and State of Oklahoma environmental regulations and laws, and shall provide a copy of the compliance program to the Environmental Protection Agency (EPA), the Oklahoma State Department of Environmental Quality (OSDEQ), and the U.S. Probation Office.
2. Upon approval of the corporate compliance program by the probation officer or the Court, the organization shall notify its employees and shareholders of its criminal behavior and its approved compliance program. Such notice shall be in the form approved by the probation officer or the Court.
3. The defendant corporation shall make periodic submission of a written report to the probation officer, at intervals specified by the probation officer, reporting, among other things, on the organization's business operation, corporate compliance program, and accounting for operation of the organization's pollution and environmental control measures, to include but not limited to waste water management.
4. The defendant corporation shall submit to a reasonable number of regular or unannounced onsite examinations of its business and refinery operations, review of its logs, books and records, and shall submit to interrogation of knowledgeable individuals within the corporation and at the refinery by the probation office or experts engaged by the probation office or the Court. Compensation to and costs of any experts engaged by the U. S Probation Office or the Court shall be paid by the organization.
5. The defendant corporation shall notify the Court or probation officer immediately of learning of any material change in its business and refinery operation, financial condition, or major civil litigation, and shall immediately advise the probation officer of learning of any criminal, regulatory or administrative proceeding, or any government investigation or formal or informal inquiry against the organization.

DEFENDANT: Sinclair Tulsa Refining Company
CASE NUMBER: 06-CR-214-CVE

CRIMINAL MONETARY PENALTIES

The defendant corporation must pay the total criminal monetary penalties under the schedule of payments on Sheet 4.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 800	\$ 5,500,000	\$ N/A

☐ The determination of restitution is deferred until _____ An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
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TOTALS	\$ <u>0</u>	\$ <u>0</u>
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☐ Restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: Sinclair Tulsa Refining Company
CASE NUMBER: 06-CR-214-CVE

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A** ☒ Lump sum payment of \$ 5,500,000 due immediately.
- ☐ not later than _____, or
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B** ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C** ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D** ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E** ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F** ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
☐ The defendant shall pay the following court cost(s):
☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.